

IN THE DISTRICT COURT
FOR THE TERRITORY OF GUAM

**UNITED STATES OF AMERICA, ex rel.
RAVINDRA GOGINENI,**

Plaintiff-Relator,

v.

FARGO PACIFIC INC. et al.,

Defendants.

No. 1:17-cv-00096

OPINION AND ORDER

MOSMAN, J.,

On January 9, 2023, Magistrate Judge Michael J. Bordallo issued his Report and Recommendation (“R&R”) [ECF 146], recommending that Defendants’ Motions for Summary Judgment [ECF 88, 94] be granted in part and denied in part. Plaintiff and Defendants objected to the R&R. *See* [ECF 152] (Plaintiff); [ECF 151, 154] (Defendants). The Parties also filed responses to each other’s objections. *See* [ECF 157, 158] (Plaintiff); [ECF 160, 161] (Defendants).

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of

the magistrate judge as to those portions of the R&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the R&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the R&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Bordallo's recommendation, and I ADOPT the R&R [ECF 146] as my own opinion. Defendants' Motions for Summary Judgment [ECF 88, 94] are GRANTED IN PART and DENIED IN PART. I GRANT Defendants' motion and enter summary judgment as to Count One. I DENY Defendants' motion as to Counts Two, Three, and Four.

IT IS SO ORDERED.

DATED this 5th Day of April



MICHAEL W. MOSMAN
Senior United States District Judge